

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Richard M.,

Case No. 0:19-cv-00827-KMM

Plaintiff,

v.

ORDER

Andrew Saul, Commissioner of Social
Security,

Defendant.

On February 4, 2020, the Court ordered the parties to file letters indicating their respective positions on the propriety of staying this case pending the resolution of consolidated appeals before the Eighth Circuit Court of Appeals in *Davis v. Comm’r of Soc. Sec.*, 18-3422 (8th Cir. Nov. 14, 2018); *Thurman v. Comm’r Soc. Sec.*, 18-3451 (8th Cir. Nov. 19, 2018); *Iwan v. Comm’r of Soc. Sec.*, 18-3452 (8th Cir. Nov. 19, 2018); and *Hilliard v. Comm’r of Soc. Sec.*, 19-1169 (8th Cir. Jan. 24, 2019). The parties have responded, indicating that neither side objects to the entry of a stay. [ECF Nos. 20–21.] The plaintiff, Richard M., has requested limited supplemental briefing following resolution of the consolidated appeals.

No matter what the Eighth Circuit decides, waiting to decide the summary judgment motions until after the decision in the consolidated appeals will simplify the issues in this case, conserve judicial resources, and will not severely prejudice the plaintiff. *Wilson v. Corning, Inc.*, No. CV 13-210 (DWF/TNL), 2018 WL 4635672, at *1 (D. Minn. Sept. 27, 2018) (“In considering whether to stay proceedings, the Court considers whether a stay will (1) unduly prejudice or tactically disadvantage the non-moving party; (2) simplify the issues in the infringement litigation and streamline the trial; and (3) reduce the burden of litigation on the parties and the Court.”). Accordingly, the Court concludes that staying this case pending the outcome of the consolidated appeals is appropriate.

IT IS HEREBY ORDERED THAT this matter is **STAYED** pending the outcome of the consolidated appeals in *Davis v. Comm’r of Soc. Sec.*, 18-3422 (8th Cir. Nov. 14, 2018); *Thurman v. Comm’r Soc. Sec.*, 18-3451 (8th Cir. Nov. 19, 2018); *Iwan v. Comm’r of Soc. Sec.*, 18-3452 (8th Cir. Nov. 19, 2018); and *Hilliard v. Comm’r of Soc. Sec.*, 19-1169 (8th Cir. Jan. 24, 2019). The parties shall contact the Court within 14 days of the date of the Eighth Circuit’s decision in the consolidated appeals to request lifting the stay or any other relief they believe is appropriate. The Court declines to rule on the plaintiff’s request for supplemental briefing at this time, but the request may be renewed at such time as the parties request that the stay be lifted.

Date: February 13, 2020

s/Katherine Menendez
Katherine Menendez
United States Magistrate Judge